Amendment to the Drawings:

The attached sheets of drawings include changes to Fig. 20.

New Sheet 11/13, which includes Fig. 20, replaces the original sheet including Fig. 20.

Attachments: *Replacement Sheet 11/13 showing Fig. 20*
Annotated Drawing Sheet 11/13 showing changes in red ink.

REMARKS

Reconsideration is requested.

The Examiner has objected to Fig. 20 of the drawings as not complying with 37 C.F.R. §1.84(o), requiring legends on drawings. It is proposed to amend Fig. 20 to add a descriptive label "OTHER INPUTS" inside box 260, as indicated in red, to obviate the objection. Acceptance of the proposed amendment to Fig. 20 is respectfully requested. A formal drawing incorporating the correction is also enclosed.

The specification has been amended to properly include the descriptive label to reference numeral 260 as contained in Fig. 20. No new matter has been added.

Claims 13, 15, 17-20, 30-31, 35-36 and 50-53 stand rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,488,099 to McSheffrey et al.

Anticipation under 35 U.S.C. §102 requires that each and every element of the claimed invention be disclosed in a single prior art reference. See In *re Spada*, 911 F.2d 705, 15 USPQ2d 1655 (Fed. Cir. 1990). The corollary of this rule is that the absence from a cited §102 reference of any claimed element negates the anticipation. *Kloster Speedsteel AB, et al. v. Crucible, Inc.*, et al., 793 F.2d 1565, 230 USPQ 81 (Fed. Cir. 1986).

Claim 13 recites a method of remotely monitoring the status of multiple fire extinguishers, the method comprising coupling sensors to respective fire extinguishers in sensing relation to the fire extinguishers, the sensors each being configured to sense a parameter of the fire extinguisher to which it is coupled; associating transmitters with respective fire extinguishers, the transmitters being configured to selectively transmit information identifying the fire extinguisher with which the transmitter is associated and to selectively transmit information indicative of the sensed parameter; providing a receiver in selective wireless communications with the transmitters; providing a computer coupled to the receiver, the computer being configured to maintain testing schedules for respective fire extinguishers and being configured to provide an output when it is time for an extinguisher to be inspected, tested, or undergo maintenance, the computer also being configured to selectively store information from a plurality of the transmitters; and using a radio frequency identification device to define one of the transmitters and to also define a sensor to sense if the associated fire extinguisher is moved, the radio frequency identification device including a conductor configured to be broken in response to movement of the associated fire extinguisher.

The McSheffrey reference fails to disclose using a radio frequency identification device to define one of the transmitters and to also define a sensor to sense if the associated fire extinguisher is moved, the radio frequency

identification device including a conductor configured to be broken in response to movement of the associated fire extinguisher.

McSheffrey et al. uses a hard wired connection to the remote central station 26 to determine if the extinguisher has been moved, not a radio frequency identification device. While McSheffrey et al. disclose an alternative embodiment including communicating signals 100, 102, and 104 by RF (see Col. 9, lines 2-21), the only means they disclose for signaling the presence of the extinguisher 12 is the two wire connection that is normally closed. See Col. 8, lines 15-53. Thus, McSheffrey et al. fail to disclose using a radio frequency identification device including a conductor configured to be broken in response to movement of the associated fire extinguisher.

Therefore, claim 13 is allowable.

As claims 14-19 and 21 depend on claim 13, they too are allowable.

Claim 30 recites a system for remotely monitoring if a fire extinguisher is moved, the system comprising an RF tamper-indicating device including a tamper-responsive section and a transmitting section, the tamper-responsive section defining a damage-sensitive portion between first and second coupling portions, the damage sensitive portion being in either an intact and a non-intact condition, the first coupling portion being adapted to be coupled to the fire extinguisher and the second coupling portion being adapted to be fixed to a surface external of the fire extinguisher, the tamper-signaling section being

configured to selectively transmit information indicating whether the damage sensitive portion is in the intact or non-intact condition.

Support for the amendment can be found in paragraphs [0058] to [0062].

The McSheffrey et al. reference fails to disclose an RF tamper-indicating device that both includes a tamper-responsive section and also a transmitting section. The RF device claimed by Applicants is not a conventional RF device but is a custom RF device that includes a transmitting section but also includes a tamper-responsive section. This is certainly not disclosed in the McSheffrey et al. reference. It would not be obvious to modify McSheffrey et al. absent some teaching or suggestion in the prior art that would motivate someone of ordinary skill in the art to do so. McSheffrey et al. only barely discloses using RF, and do so in passing, without much detail at all as to the construction of any RF device that would be used. McSheffrey et al. certainly do not contemplate as unusual RF device as is described in the claims.

Therefore, claim 30 is allowable.

As claims 31-37 depend on claim 30, they too are allowable.

Claim 50 recites a system for remotely monitoring the status of multiple fire extinguishers, the system comprising sensors configured to sense removal, or tampering, of trigger pins of respective fire extinguishers; wireless transmitters coupled to respective sensors and configured to selectively transmit whether the trigger pin of the respective fire extinguisher has been removed or

tampered with; and a receiver configured to selectively receive the transmissions for the multiple fire extinguishers at a common location.

The McSheffrey et al. reference fails to disclose sensors configured to sense removal, or tampering, of trigger pins of respective fire extinguishers. Despite all their sensors, there is no disclosure in McSheffrey et al. reference of sensing removal or tampering of trigger pins. Therefore, the McSheffrey et al. reference does not anticipate claim 50. It would not be obvious to modify McSheffrey et al. to sense removal or tampering of trigger pins because such a teaching cannot be extracted out of silence. There is nothing in the cited references that would motivate one of ordinary skill in the art to modify the McSheffrey et al. reference to sense removal or tampering of trigger pins.

Therefore, claim 50 is allowable.

As claims 51-54 depend on claim 50, they too are allowable.

Claims 14, 16, 21-29, 33 and 37 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,488,099 to McSheffrey et al.

Claim 22 recites a system for remotely monitoring the status of a fire extinguisher, the fire extinguisher having a trigger and a trigger pin arranged such that the trigger pin must be removed before the trigger can be operated, the system comprising a tamper-indicating device including a tamper-responsive section and a tamper-signaling section, the tamper-responsive section defining a damage-sensitive portion between first and second coupling portions, the

damage sensitive portion being in either an intact and a non-intact condition, the first coupling portion being adapted to be coupled to the trigger pin and the second coupling portion being adapted to be coupled external of the trigger pin of the fire extinguisher, the tamper-signaling section being configured to selectively transmit information indicating whether the damage sensitive portion is in the intact or non-intact condition.

The McSheffrey et al. reference fails to disclose a tamper-indicating device including a tamper-responsive section and a tamper-signaling section, the tamper-responsive section defining a damage-sensitive portion between first and second coupling portions, the first coupling portion being adapted to be coupled to the trigger pin and the second coupling portion being adapted to be coupled external of the trigger pin of the fire extinguisher.

The Examiner appears to be taking the position that because McSheffrey et al. disclose a plurality of detectors for detecting the condition of fire extinguishers, such as movement, removal, low pressure in the tank, and material in a volume of the tank, it would be obvious to provide a tamper-signaling section, the tamper-responsive section defining a damage-sensitive portion between first and second coupling portions, the first coupling portion being adapted to be coupled to the trigger pin and the second coupling portion being adapted to be coupled external of the trigger pin of the fire extinguisher.

This allegation is not sufficient to make out a *prima facie* case of obviousness.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. See, e.g., MPEP §2143 (8th ed.).

Motivation to modify or combine reference teachings is required to establish a *prima facie* case of obviousness. There is no motivation, and the §103 rejection is improper for this reason.

The Federal Circuit discussed proper motivation *In re Lee*, 61 USPQ 2d 1430 (Fed. Cir. 2002). The motivation identified in the Office Action is akin to the conclusory statements set forth in *In re Lee* which were found to fail to provide the requisite motivation to support an obviousness rejection. The Court in *In re Lee* stated the factual inquiry whether to combine references must be *thorough and searching*. It must be based *on **objective** evidence of record*. The Court in *In re Fritch*, 23 USPQ 2d 1780, 1783 (Fed. Cir. 1992) stated motivation is provided only by showing some *objective teaching in the prior art or that knowledge generally available to one of ordinary skill in the art* would lead that

individual to combine the relevant teachings of the references. The *Lee* Court stated that the Examiner's *conclusory statements* in the *Lee* case do not adequately address the issue of motivation to combine. The Court additionally stated that the factual question of motivation is material to patentability and ***can not be resolved on subjective belief and unknown authority. The Court also stated that deficiencies of cited references cannot be remedied by general conclusions about what is basic knowledge or common sense. The Court further stated that the determination of patentability must be based on evidence.***

In the instant case, ***the record is entirely devoid of any evidence to support motivation to combine the teachings apart from the bald conclusory statements of the Examiner which are insufficient for proper motivation*** as set forth by the Federal Circuit. The Office cannot rely on conclusory statements when dealing with particular combinations of prior art.

The McSheffrey et al. reference discloses a tether as a means of detecting movement of the extinguisher. This does not anticipate the very specific limitations in Applicants' claim of a tamper-indicating device including a tamper-responsive section and a tamper-signaling section, the tamper-responsive section defining a damage-sensitive portion between first and second coupling portions, the first coupling portion being adapted to be coupled to the trigger pin and the second coupling portion being adapted to be coupled external of the

trigger pin of the fire extinguisher. And it would not be obvious to modify McSheffrey et al. because no evidence has been provided to support modification of the reference.

Therefore, claim 22 is allowable.

As claims 23-29 depend on claim 22, they too are allowable.

Claims 32, 34, 38-49 and 54 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,488,099 to McSheffrey et al. in view of U.S. Patent No. 6,774,782 to Runyon et al.

It would not be obvious to combine the Runyon et al. reference with the McSheffrey et al. reference because a) there is no teaching in the references which would suggest their combination, and b) even if they were somehow combined, they do not produce the structure claimed.

Claim 38, as amended, recites a method of remotely monitoring the status of multiple fire extinguishers, the method comprising associating transceivers with respective fire extinguishers, with at least some of the transceivers configured to cause an alarm signal in response to a fire extinguisher being moved, and with at least some of the transceivers configured to cause an alarm signal in response to extinguisher pressure below a predetermined threshold, the transceivers being configured to store and selectively transmit information identifying the fire extinguisher with which the transceiver is associated; providing an interrogator in selective wireless communication with the

transceivers; providing a computer coupled to the interrogator, the computer being configured to maintain inspection, testing, maintenance schedules for respective fire extinguishers and being configured to provide an output when it is time for an extinguisher to be inspected, the computer also being configured to provide an output in response to an alarm signal being generated; and using radio frequency identification devices to define at least some of the transceivers and to also define sensors to sense if the associated fire extinguisher is moved, respective radio frequency identification devices including a frangible wire configured to be broken in response to movement of the associated fire extinguisher.

The McSheffrey reference fails to disclose using a radio frequency identification device to define at least some of the transceivers and to also define sensors to sense if the associated fire extinguisher is moved, respective radio frequency identification devices including a frangible wire configured to be broken in response to movement of the associated fire extinguisher.

McSheffrey et al. uses a hard wired connection to the remote central station 26 to determine if the extinguisher has been moved, not a radio frequency identification device. While McSheffrey et al. disclose an alternative embodiment including communicating signals 100, 102, and 104 by RF (see Col. 9, lines 2-21), the only means they disclose for signaling the presence of the

extinguisher 12 is the two wire connection that is normally closed. See Col. 8, lines 15-53.

The McSheffrey et al. reference further fails to disclose a frangible wire configured to be broken in response to movement of the associated fire extinguisher. Instead, in the McSheffrey et al. reference, a male connector becomes disconnected from a female socket.

The Runyon et al. reference fails to cure the deficiency of the McSheffrey et al. reference.

Further, it would not be obvious to combine the Runyon reference with the McSheffrey et al. reference because there is no teaching in the references themselves of how the components should be combined or of which components of Runyon should be combined with which components of McSheffrey et al. There are no teachings in the references themselves which teach that there would be any advantage resulting from selecting portions of the structure of Runyon and integrating that structure somehow into the structure of McSheffrey et al. The mere fact that the structures of the references could possibly be somehow modified to result in the claimed structure does not render the claimed structure obvious unless the references themselves suggest the desirability of the modification. See *In re Gordon*, 733 F.2d 900, 902, 221 USPQ 1125, 1127 (Fed. Cir. 1984).

Therefore, claim 38 is allowable.

As claims 39-41 and 43 depend on claim 38, they too are allowable.

Claim 44, as amended, recites a system for remotely monitoring the status of multiple fire extinguishers, the system comprising transceivers configured to be associated with respective fire extinguishers, with at least some of the transceivers including a frangible wire configured to break and cause an alarm signal in response to a fire extinguisher being moved, and with at least some of the transceivers configured to cause an alarm signal in response to extinguisher pressure below a predetermined threshold, the transceivers being configured to store and selectively transmit information identifying the fire extinguisher with which the transceiver is associated; an interrogator in selective wireless communication with the transceivers; and a computer coupled to the interrogator, the computer being configured to maintain inspection, testing, or maintenance schedules for respective fire extinguishers and being configured to provide an output when it is time for an extinguisher to be inspected, tested, or undergo maintenance, the computer also being configured to provide an output in response to an alarm signal being generated.

It would not be obvious to combine the Runyon et al. reference with the McSheffrey et al. reference for the reasons provided above in connection with claim 38.

Further, the McSheffrey et al. reference fails to disclose transceivers configured to be associated with respective fire extinguishers, with at least some

of the transceivers including a frangible wire configured to break and cause an alarm signal in response to a fire extinguisher being moved. No frangible wire is disclosed in McSheffrey et al., only a male connector removable from a female connector.

Therefore, claim 44 is allowable.

As claims 45-49 depend on claim 44, they too are allowable.

In view of the foregoing, allowance of the application is requested. The undersigned is available for telephone consultation at any time if such would facilitate prosecution of this application.

Respectfully submitted,

Dated: Oct. 27, 2005 By: _____

Deepak Malhotra
Reg. No. 33,560

ANNOTATED SHEET SHOWING CHANGES

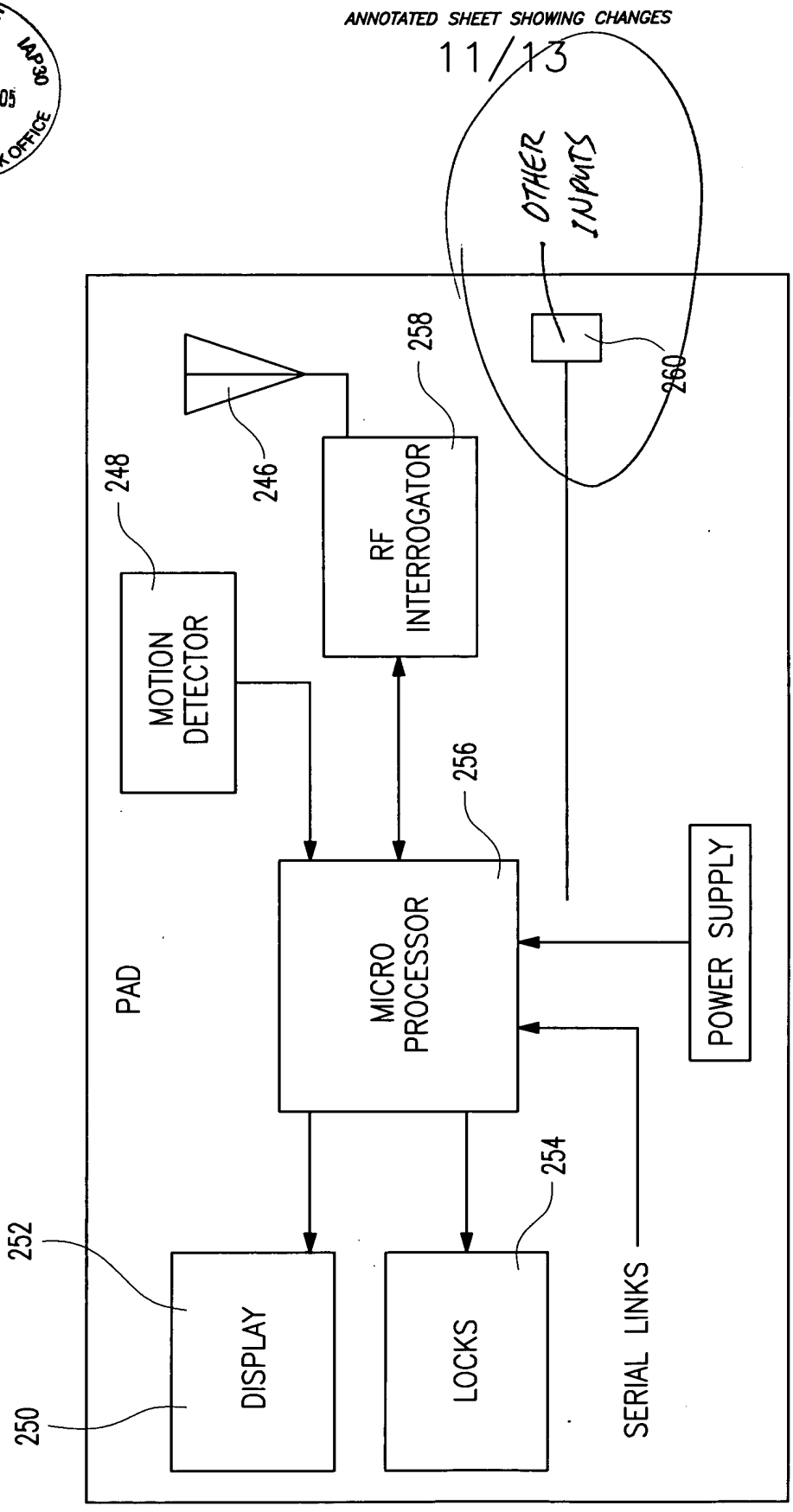

Fig. 20